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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 ST. PAUL FIRE & MARINE INSURANCE
12 COMPANY, a Minnesota corporation,

13 Plaintiff,

14 vs.

15 SHAMROCK MATERIALS, INC., a
16 California corporation,

17 Defendant.

Case No.: C07-3150 MEJ

**REQUEST FOR ORDER FOR
CONDITIONAL DISMISSAL AND
(PROPOSED) ORDER**

18 Plaintiff is pleased to report to the Court that this matter has been settled and execution
19 of the settlement agreement and payment of settlement funds are the only matters remaining to
20 fully conclude the case.

21 Accordingly, plaintiff requests that the Court dismiss the case without prejudice, each
22 side to bear its own attorneys' fees and costs on the condition that if any party shall certify to the
23 Court within ninety days of the date that the order of conditional dismissal is signed, with proof
24 of service of a copy on the other party, that the execution of the settlement agreement and
25 payment of settlement funds have not been concluded, the dismissal shall stand vacated and the
26 case shall be restored forthwith to the Court's calendar for further proceedings.

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1 DATED: September 10, 2007

2 BULLIVANT HOUSER BAILEY PC

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4 By Marilyn Rata
Marilyn Rata

5
6 Attorneys for Plaintiff St. Paul Fire & Marine
Insurance Company

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8 SO ORDERED:

9 DATED: September 11, 2007

